

REMARKS

Applicants have amended the specification to include an abstract. A page for insertion into the application is included with this Amendment.

Claims 36 and 69 have been amended. Claims 36-56 and 69-74 are presently pending. Claims 55 and 56 have been allowed.

Claim Objections

Claims 36-54 and 69-74 are objected to because Claims 36 and 69 are claiming in the alternative form for different species.

Applicants have amended the claims to remove the objection.

Rejection of Claims 36, 37, 39, 41, 42, 46-54, and 69-74 under 35 U.S.C. § 102(b)

Claims 36, 37, 39, 41, 42, 46-54, and 69-74 are rejected under 35 U.S.C. § 102(b) in view of U.S. Patent 5,653,885, issued to Jameson *et al.* on August 5, 1997. The Examiner states that Jameson discloses a specimen being in liquid form in contact with a carrier onto which capture probes for capturing the specimen are fixed and includes the step of subjecting the solid support to an oscillating magnetic field.

Applicants claim a method for controlling the temperature of a biological specimen in indirect contact with a solid support member by using induction heating. The specimen is in contact with a carrier onto which capture probes for capturing the specimen are fixed. The carrier is removably placed in proximity to the support member. The solid support member includes a cartridge for a carrier or a cover plate for a carrier. The solid support member includes an electrically conducting material, which conducts material in contact with a layer of heat conducting material. The heat conducting material is in contact with the specimen. The method includes a step of subjecting the solid support to an oscillating magnetic field.

A biological sample is heated on a microscope slide or on a microtiter plate. The purpose is to allow analysis, such as microscopic analysis of the sample on the slide or plate. Typically, the processing of the sample stains specific cells so that a pathologist observing the sample under a microscope can assess whether such cells are cancer cells or normal cells. One is then able to

provide a diagnosis for the patient from whom the sample has been provided. The heating of the sample is provided in order to carefully control the temperature during the various steps of treatments with specific reagents in order to optimize the staining processing thereby making it easier for the pathologist to discern between cancer cells and normal cells when observing the sample under a microscope.

The '885 Patent discloses a process for extraction of a liquid from a sample. In that process, the analyzed matter is the extracted fluid, collected in a vial. The extraction is promoted by the heating. This is a very different method and apparatus for a different purpose.

Therefore, the claims are not anticipated by the '885 Patent.

Rejection of Claims 36, 37, 39-43, 46, and 47 under 35 U.S.C. § 102(b)

Claims 36, 37, 39-43, 46, and 47 are rejected under 35 U.S.C. § 102(b) in view of Japanese Patent Publication 09170972. The Examiner states that the document discloses a specimen sampling equipment for analysis including a specimen fixed to a carrier and that the carrier is removably placed in the support member.

JP 09170972 Publication discloses a method for heating a metal sample, which is not a biological specimen, in a combustion formula gas analyzer at a temperature sufficient to vaporize metal. The sample is pieced in order to allow it to be extracted analysis in a combustion formula gas analyzer. The method in the '972 Publication appears to be directed to a high temperature metallurgical process. The '972 Publication does not disclose or suggest a method for controlling the temperature of a biological specimen.

Therefore, the claims are not anticipated by the '972 Publication.

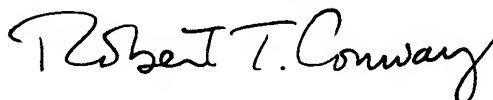
CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If

the Examiner believes that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.

A handwritten signature in black ink that reads "Robert T. Conway". The signature is written in a cursive, flowing style.

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